

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO 04- **11607**
DPW

HEIDI K. ERICKSON
Plaintiff

v.

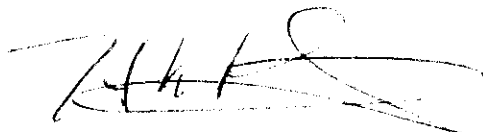
COMMONWEALTH OF MASSACHUSETTS
MITT ROMNEY, GOVERNOR et al
Defendants

1. I Heidi K. Erickson do depose and say the following under oath: *under pains & penalties of perjury*
2. On Monday July 19th, 2004 I served the Defendant's copies of the pleadings filed in this Honorable Court as required by this Court for seeking a TRO, while also requesting a hearing for Preliminary Injunction on short notice. I hope that you Honor will take the same appreciation of the conditions that my beloved Persians have been suffering by touring the facility at the ARL and touring my home for its adequacy in bringing my Persians back home as you had done for those who were seeking a closer view for a political demonstration during the DNC during war-time with the threat of terrorism knowing that those petitioners were seeking to oppose the war and seek greater media exposure by proximity to ultimately benefit the political candidate who opposes war rather than be concerned with the overall safety for all the public. As I petitioned you for an Emergency Preliminary Injunction on the same day and time the political party petitioned you for greater media exposure you granted them an immediate hearing to argue their dispute, then visited the convention site, I ask the same a hearing, and a visit on this painful and important issue of property, humane treatment, suffering, love and the government who intending to continue the indecent harms under the color of law for no rational, reasonable reason but to keep my beloved Persians from me,
3. Attached hereto an Affidavit of Brad Mitchell of the Massachusetts Department of Agricultural Resources, Bureau of Animal Health (MDA) who reiterates the need of this immediate hearing for preliminary injunction with in his last paragraph numbered 4 "The Department has the legal authority under [MGL] Chapter 129, section 2, ...to order euthanasia under the circumstances."
4. But, what Mitchell leaves out is reasoning behind the MDA's requirements that are so restrictive that even the current facility at the ARL could not comply to those quarantine requirements. Further, Mitchell states "significant risk of disease spread" yet he doesn't qualify who a closed group of Persians if kept in separate rooms that have all the physical requirements ie separate vented and circulating fresh air, closed doors, separate washing facilities (note the ARL doesn't have separate vented and circulating fresh air, and separate washing facilities etc). If the colony is enclosed, the transportation of the colony is enclosed in cages/carriers and there is contact with other animals during the transportation there could be no realistic expectation of disease spread.

5. Additionally, Mitchell states "we agreed to allow the animals to be moved to another location under conditions set forth by the Department there were designed to ensure the integrity of the quarantine and minimize the spread of the disease" Mitchell fails to support this statement and one must read his requirements which Erickson elaborated including those related to keeping her Persians at a Pet Shop and/or under its standards (unnecessary as her home is not open to the public, including requiring that her breeding cats not bred, requiring her financial information, requiring a vet to sign a legal document to establish liability all unnecessary, unreasonable and not consistent with other quarantines that would "ensure integrity of the quarantine". Mitchell's (MDA's) requirements to nonabsorbable surfaces and cages that can be washed everyday, the Persians kept in separate rooms from other animals is not unrealistic but the requirements the MDA is insisting on to give raise to its deprivation of Ms. Erickson's Persians under color of law is unconstitutional, and plainly unconscionable, inhuman to maintain as it continues to allow the ARL to mistreat Ms. Erickson's Persians that she could treat and cure at home.
6. Further, Mitchell states the Dr. O'Connor's (an MDA vet) assessment that ARL has treated the colony appropriately for the disease is a bald assumption not supported by medical documentation/records and Mitchell's reference of O'Connor's assessment lacks fact and her own observations of the ARL and the facility that Ms. Erickson's Persians are contained at. Mitchell and O'Connor's may have strong beliefs that the ARL is treating my Persians but other experts differ, and those experts are those that have actually visited my Persians, read the medical records and are experts in feline medicine.
7. Lastly, Mitchell states "the treatment is complicated and of limited efficacy due to the numerous other health issues that are prevalent within the colony. This is unsupported by the medical records except for the fact that the current medical treatment plan which includes poor husbandry practices, lack of human contact creating and maintaining depression, lime dip which is not recommended by experts in feline medicine and poor ventilatory practices without the benefit of fresh air and/or natural light. Mitchell's bald assertion "other health issues" as an excuse for condoning poor inadequate, less than optimal, less than desired, less than necessary and or effective treatment. The ARL maintains the poor husbandry practices because it is inexpensive, veterinary malpractice.
8. If the MDA simply would require what it requires in other quarantines and what is reasonable like request to know were the quarantine is located, the name of a vet who would supervise the treatment, that the rooms the Persians would be contained into would not allow for contact with other animals, that the Persians would receive adequate fresh air that is separately vented, that their containment area is able to be washed everyday, there is adequate fresh water and food. But, the MDA is unjustified, unnecessary and unrealistic and impossible to require that a vet must live in the facility and or work at the facility everyday.
9. Evidently, the MDA may take the initiative to euthanize my beloved Persians, it says it can according to law, and/or under the color of law in 10 days notice while my Persians suffer inhumane treatment at the ARL from poor husbandry practices and inadequate veterinary treatment.
10. My beloved Persians are currently suffering the deprivations of adequate medical attention, evident from photographs supplied this Court attached to Emergency Request for Temporary

Orders and that attached photo which was inadvertently excluded from the others demonstrating that on 3-16-04 this Persian (P31) who was part of the colony seized by the ARL, and photographed here by Veterinarian Catherine Lund, DVM (Exh 1) demonstrates red, raw, wet filthy buttocks, inflamed tissues that must be painful, as he was probably sitting in a pool of urine for long duration, and (Exh.2) facial photo of P31 eyes squinting from irritation due to putrid toxic and/or filthy ambient air together with depression from the lack of TLC. Notice his front paws are brown yellow too as he has been standing in putrid.

11. The suffering of these gentle sweet creatures should not be tolerated while these beloved Persian should not be euthanized. Their obvious suffering creates immense pain in Ms. Erickson's heart for her (many hand raised) companions who must be crying out-loud for her help, just like Fractured Star, Cuddles, My Love, Marquette and Beamer cried before they died unexpectedly and preventably at the hands of the ARL months after their malicious seizures from my care – which was adequate and far superior to the ARL. Autopsy reports attached as Exhibits indication that each day these Persian are held by the ARL they are at grave risk of harm. The photos are of Ch. Silver Circle Accidental Tourist who is out of Sire Grand Champion Regional Winner South Paw Roman Holiday and Dam Champion Toshika Surprise PKG. Affectionately known as Abby truly a far superior genetically speaking Persian stub male, who alone valued as priceless because the of combination of his two parental lines known when combined to be exceptional producing National Winning cats, where the two breeders of Abby's lineage the top producer of white Persians known throughout the world has having more wins Nationally then any other breeder. The two breeders had strict restrictions on their lines and this combination rarely is accomplished and will not be repeated, as the two lines are now non-existent except for Abby's genes. Abby is priceless, irreplaceable and if one appraised him at \$10,000.00 speculative at best if not more.
12. I bred Abby and delivered him into this world, writing in my diary every minute of Abby's birth. Abby was photographed at numerous milestones, when he first opened his eyes, when he turned 3 weeks, at his first cat show, when his first litter was born, side by side with his mother. Abby at 3 months is pictured in the Cat Fanciers Yearbook in a full-page spread for the year of 1999. Abby typically slept on with me on my bed and at my left side and produces babies who inherently have an extreme sweet disposition and attachment together with a great coat factor and eye shape.
13. Many of my Persians are appraised at thousands of dollars but I would never sell any one of them as I am too emotionally attached to them they are like my children while I live alone they are my companions and my love and devotion is poured into them, like South Paw Fractured Star my favorite companion, she my soul mate and in addition to who she was - the sister to the most prominent outstanding white Persian who won Cat of the Year award a most difficult feat for a female to accomplish and the most gorgeous white Persians ever never bred, was never bred but Fractured Star did bred and she was the best mothering Persian. I devoted everything to Fracture Star, Fractured Star was always there for me and knows that she must have been suffering extremes at what was going on around her when she was seized and separated from her babies by the ARL who then murdered her. Fractured Star would sleep with me every night immediately next to me with her babies on my bed, that is what she preferred she was my top cat and number one in my heart. The ARL murdered Fractured Star on 6/24/03 her autopsy report indicates that she was dehydrated, had multiple

S.S.L. 
07-22-04